

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) Javier Collazo #79049-054
(Name of Plaintiff) (Inmate Number)Federal Correctional Complex-Allenwood USP, P.O. Box 3000
(Address) White Deer PA 17887(2) _____
(Name of Plaintiff) (Inmate Number)

(Address) _____

(Each named party must be numbered,
and all names must be printed or typed)

vs.

(1) Captain Miller(2) J. Pozza S.O. /(3) Use of Force Team
(Names of Defendants)(Each named party must be numbered,
and all names must be printed or typed)4:20-CV-0083

(Case Number)

CIVIL COMPLAINT

FILED
SCRANTON

JAN 16 2020

PER [Signature]
DEPUTY CLERKTO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No

C. If your answer to "B" is Yes:

1. What steps did you take? I filed all my administrative remedies
2. What was the result? They were not Processed.

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: Captain. Miller
 Employed as Captain at FCI Schuylkill
 Mailing address: FCI Schuylkill Federal Correction Institution Interstate 81 & 901 W, Minersville, PA, 17954
- (2) Name of second defendant: J. Pozza
 Employed as Correctional officer at FCI Schuylkill
 Mailing address: FCI Schuylkill Federal Correctional Institution Interstate 81 & 901 W, Minersville PA, 17954
- (3) Name of third defendant: USE OF force team
 Employed as USE OF force team at FCI Schuylkill
 Mailing address: FCI Schuylkill Federal Correctional Institution Interstate 81 & 901 W, Minersville PA, 17954

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Captain. Miller insert the cell I was in, in the SHU with no camera and assaulted me.

2. J. Pozza also entered the cell I was in and assaulted me.
3. The use of force team. Used excessive force while I was in handcuffs.


V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Money
2. Get released
3. Clear my record

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of January, 2020.


(Signature of Plaintiff)

October 26, 2018:

I was going through some depression. One of my friends got killed while holding his son in his arms. I was having suicidal thoughts after I received the horrible news. I took 32 pills of some medication they prescribe me for my psychology issues, hoping it will kill me. I went to medical to report what I have done. They took me to suicide watch.

October 27, 2018:

A LT pulled me out of suicide watch and said go back to general population. I said I was still having suicidal thoughts. His response was that I couldn't be in suicide watch for more than two days. I said that I wasn't in the right state of mind. I need to be isolated. I still felt I would try to harm myself. I told him while I was in suicide watch I didn't speak with the psych doctor. He still wasn't trying to leave me in suicide watch, so they took me to the Shu. I arrived at the Shu and told them I am not taking a celly; I need to be isolated because I felt like killing myself. I told them that I need to see someone from psychology. They said I couldn't speak with them that I need to take a celly. I kept explaining that I needed to be isolated... They said ok you are going by yourself. (I cuffed up through this or deal). They took me to a range and walked me to a cell. I saw that they were telling someone to cuff up that they getting a celly. So I dropped with all my weight to the floor and lay down. Repeating myself to them that I was not taking a celly, that I'm going to kill myself. I began crying and told them I need help. So they picked me up and took me to the holding tank... LT went in his office made calls to the captain. The captain said I need to take a celly. So again they lied to me saying there going to put me in a empty cell by myself. They put me in a empty cell by myself for about 20 seconds and tried to bring the inmate in the cell. I stood by the door repeating, "I'm not taking a celly". They took the inmate back to his cell. Left me cuffed up in the cell by myself. It was the captain day off but they kept calling him so he came in. They told me to put my hands through the tray slot of the door. I did. They hold my hands while they opened the door. I saw the captain walking towards me looking angry. About two CO's, a LT and the captain came into the cell with me and put me against the wall. I asked where is the camera he said, "there is no need for a camera". So they escorted the inmate into the cell I was in and placed him on the bed. I started baking up telling them "I said I wasn't taking any celly". So the CO restraining me aggressively wrapped his arm around my face, busted my lip a little and slammed me on the floor. I was screaming "what are you'll doing?" I didn't spit on the CO but I was spitting to the side on the floor because I was bleeding and couldn't breathe. The captain then placed his boot on my face telling me to stop spitting. I did. I was so upset that he put his boot on my face so I stating cursing him out. The CO that was on top of me started choking me with his forearm. I said I couldn't breathe he said "well you're still talking" and pressed harder I started turning blue getting ready to pass out. The captain was laughing and waving at me saying "bye, bye". He stated, "You don't have to kill yourself we can kill you". The CO stopped choking me and lifted me to my feet. That's when I honestly spit on him with blood. (I was so angry

on what took place) and he punched me on my head and left the cell upset screaming and cursing. They pulled me out the cell to escort the other inmate out the cell. That's when they decided to bring the camera. I was placed in the cell still cuffed they put the camera in front of my cell door. I showed the camera that I was cuffed up. N hour or so later the LT and the captain came with the TRT team I said "you'll already used excessive force on me and I'm cuffed up" I seen they wasn't listening to me I showed them I was cuffed up and dropped on the floor so they continue assaulting me. They still opened the door and the team jumped on me and started punching me on my ribs and kneeing me on my head. They were getting ready to take me out the cell. The CO that was on top of me grabbed my hair and smashed my face on the floor. He chipped my tooth I started crying and screaming. They took me out the cell and put me on restraints for 24 hours. From the beginning of the situation I explained to them I needed to stay in suicide watch because I was scared I would actually kill myself. I told them I needed to be isolated because I was scared I might harm my self or anyone they was trying to put me with. I've tried to do my "remedy procedures", they didn't process any of them.

- October 26, 2018: I was placed in suicide watch
- October 27, 2018: The incident took place in Shu
- November 4, 2018: I filed a BP-8 (no response)
- December 3, 2018: I filed a BP-9 to Warden (no response)
- January 10, 2019: I filed a BP-10 to the region (no response)
- January 17, 2019: My two front teeth were pulled out.

I also have a witness, the inmate they tried to put me with in the Shu. He doesn't want to speak but he seemed everything that happened in the cell. His information is (Nathan Mosley, Reg # 71956-067)

1. They took me out suicide watch while I was suicidal
2. They assaulted me in the cell with out a camera (the witness was there)
3. They used excessive force (TRT Team) while I'm in handcuffs.
4. I lost both of my front teeth permanently.

I have incident reports and medical records to prove what happened also the cameras can prove it. All this happened in: FCI Schuylkill, Interstate 81 & 901W, Minersville, PA 17954

Inmate Name: COLLAZO, JAVIER
 Date of Birth: 12/30/1996
 Encounter Date: 10/27/2018 16:31

Sex: M Race: WHITE
 Provider: Bryer, R. NRP

Reg #: 79049-054
 Facility: SCH
 Unit: Z02

Exam:

Femur

Yes: Normal Exam
 No: Trauma

Knee

Yes: Normal Exam
 No: Trauma

Tibia / Fibula

Yes: Normal Exam
 No: Trauma

Ankle/Foot/Toes

Yes: Normal Exam
 No: Trauma

Chest Wall

Yes: Normal Exam
 No: Trauma

Back

Yes: Normal Exam
 No: Trauma

ASSESSMENT:

Bleeding-Oral

Inmate Collazo was involved in an immediate use of force incident and then a calculated use of force incident due to disruptive and aggressive behavior toward staff. Upon being controlled by the use of force team and placed into restraints, The inmate's clothing was cut off and replaced with new clothing. Restraint checks were completed and confirmed to not be obstructing blood flow. The inmate was then escorted to his cell where an injury assessment occurred. The inmate complained of pain in his teeth, wrists, and back during assessment. Physical examination revealed a minimal amount of bleeding from the inmate's mouth as blood was noted on his lips, but further evaluation of the bleeding was not due to the aggressive and agitated state of the inmate. The bleeding appeared to have ceased at the time of assessment and was not in any way life threatening in nature. The remainder of the examination was unremarkable with no abnormalities or trauma noted. The restraints were again confirmed to not be restricting blood flow then staff exited the cell. Further evaluations and restraint checks will be conducted per policy.

PLAN:

Disposition:

Follow-up in 4-8 Hours

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
10/27/2018	Counseling	Other	Bryer, R.	No Participation
Compliance with staff directives.				

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: No

Completed by Bryer, R. NRP on 10/27/2018 19:00

Requested to be cosigned by Mace-Leibson, Ellen DO CD.

Cosign documentation will be displayed on the following page.

INMATE NAME/NUMBER: Javier Collazo #79049-054
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD USR
P.O. BOX 3000
WHITE DEER, PA 17887

HARRISBURG PA 17111

JAN 16 2020 PM 11



District Court
RECEIVED
SCRANTON P.O. BOX 1148
JAN 16 2020 Scranton, PA, 18501

PER [Signature]
DEPUTY CLERK

18501-114848

